IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 11600 of 2004(E)

PETITIONER:
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1. S.SIVAPRASAD, POLICE CONSTABLE,
NO.T-6502, VIGILANCE & ANTI-CORRUPTION
BUREAU, POOJAPPURA, THIRUVANANTHAPURAM.

2. S.ABHIMANYU, POLICE CONSTABLE NO.T-6570,
RAILWAY POLICE STATION, THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE JACOB (JOSE)
SRI.REENA ABRAHAM

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

3. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY, THIRUVANANTHAPURAM.

4. BHUVANACHANDRAN NAIR, P.C.NO.T-8016,
VATTAPPARA POLICE STATION, THIRUVANANTHAPURAM.

BY ADV. SRI. K.V. MANOJ KUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE RELEVANT EXTRACT OF THE ORDER NO. G.O.1310/1994 TC. DATED 19.12.1994.

EXT.P2: TRUE COPY OF THE RELEVANT EXTRACT OF THE PROCEEDINGS OF THE 3RD RESPONDENT DATED 15.02.1995.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 25.09.2001 IN W.A. NO. 1506/94

EXT.P4: TRUE COPY OF THE PROCEEDINGS NO. 24/2002 DATED 08.01.2002 OF THE 3RD RESPONDENT.

EXT.P5: TRUE COPY OF THE PROCEEDINGS AND THE APPENDED LIST DATED 02.04.2002 BEING ORDER NO. A3-7141/2002 TC

EXT.P6: TRUE COPY OF THE OBJECTION DATED 4-2002 SUBMITTED BY THE 2ND PETITIONER.

EXT.P7: TRUE COPY OF THE PROCEEDINGS NO. A3/7141/02 TC DATED 21.06.2002 OF THE 3RD RESPONDENT.

EXT.P8: TRUE COPY OF THE REPRESENTATION DATED 30.08.2002 OF THE 2ND PETITIONER.

EXT.P9: TRUE COPY OF THE COMMUNICATION DATED 25.04.2003 ISSUED BY THE 3RD RESPONDENT.

EXT.P10: TRUE COPY OF THE COMMUNICATION DATED 01.09.2003 OF THE 3RD RESPONDENT.

EXT.P11: TRUE COPY OF THE COMMUNICATION DATED 06.12.2003 OF THE 3RD RESPONDENT.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 11600 OF 2004

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Dated this the 21st day of June, 2007

JUDGMENT

The writ petition is filed with the following needs:

> i) to issue a writ in the nature of certiorari or other appropriate writ or order quashing Exts. P4, P5 and P7.
>
> ii) to issue a declaration that the 3rd respondent had issued the impugned list by reviewing the list of 1987 in contravention of the directions issued by the Division Bench of this Hon'ble Court in Ext.P3 judgement.
>
> iii) to issue a writ in the nature of mandamus or other appropriate writ or order directing the 3rd respondent to set right all the mistakes and anomalies and illegalities in Exts. P4, P5 and P7 and other related lists by reckoning 564 vacancies in the local police during the year 1998 and removing the 184 persons inducted in the 1998 list from 1987 list and restoring them to 1987 list.

2. It is seen that the petitioners are aggrieved by the proceedings of the Commissioner of Police. According to them, the said authority has not given effect to Ext.P3 judgment. Since, the impugned action is only at the level of the Commissioner of Police, it is certainly open to the petitioners to bring their grievance to the notice of the 1st respondent, it is submitted by the Government Pleader. Accordingly, this writ petition is disposed of as follows:

In the event of petitioners approaching the 1st respondent within a period of two months from today, the grievance will be considered by the 1st respondent with notice to the petitioners and the 4th respondent and appropriate orders, in accordance with law, adverting to the contentions taken by the parties shall be passed in another four months.

KURIAN JOSEPH, JUDGE.

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